IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16389 of 2002

Dated: October 10, 2007

Between:

Ch. Rukmaiah, S/o. late Ch. Narayana, Hindu,
Aged about 62 years, Managing Partner of
M/s. Sri Srinivasa Mini Binny Modern Rice Mill,
Gollaguda, Nalgonda.

... Petitioner

And

The Chief Engineer (Operation), A.P. Central
Power Distribution Corporation Limited,
3rd Floor, Singareni Bhavan, Lakdi-ka-pool,
Hyderabad, and others.

... Respondents

Order:

Petitioner, managing partner of a rice mill, has filed this writ petition seeking Mandamus to declare the action of the first respondent, Chief Engineer (Operation), A.P. Central Power Distribution Corporation Limited, in not disposing of the appeal filed by him on 13-07-2001 against the order dated 16-06-2001, passed by the second respondent as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondents.

3. Petitioner is one of the partners of a rice mill being run in the name of Sri Srinivasa Mini Binny Modern Rice Mill in Gollaguda, Nalgonda District. For the purpose of running the said mill, he obtained service connection bearing No.13349.LT.CAT.III. The said service connection was inspected by the Assistant Divisional Engineer/DPE-I, Nalgonda on 19-03-1997 and on noticing incriminating points, notice dated 02-05-1997 was issued to the petitioner. Thereafter, the second respondent by order dated 16-06-2001 passed final orders of assessment assessing the loss of energy at Rs.7,362-45 Ps. It is stated that as against the said order, petitioner preferred appeal dated 13-07-2001 before the first respondent, Chief Engineer. The grievance of the petitioner is that though the said appeal is pending consideration, no orders have yet been passed by the first respondent.

4. This court, while admitting the writ petition, by order dated 29-08-2002, stayed the operation of the order dated 16-06-2001, passed by the second respondent.

5. Though no counter affidavit is filed, learned Standing Counsel appearing for the respondents, on instructions, submits that the appeal filed by the petitioner on 13-07-2001 is pending before the first respondent.

6. As much as the appeal filed by the petitioner on 13-07-2001 against the order of the second respondent dated 16-06-2001, is pending consideration before the first respondent, I dispose of the writ

petition directing the first respondent/appellate authority to pass appropriate orders on the appeal filed by the petitioner, as expeditiously as possible, preferably within a period of three months from the date of receipt of this order. Till such time, interim stay granted by this court by order dated 29-08-2002 shall continue to operate. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

October 10, 2007
MRR